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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,977

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Hyun-Bok Lee

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JHK LAW

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,977	Applicant(s) LEE, HYUN-BOK	
	Examiner MICHAEL P. FERGUSON	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

Claim 1 (line 6) recites "the tube wall". It should recite --a tube wall--.

Claim 1 (line 7) recites "the axis". It should recite --an axis--.

Claim 1 (line 8) recites "the tube wall". It should recite --a tube wall--.

Claim 1 (line 9) recites "the axis". It should recite --an axis--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Willy Voit (EP 0 446 866).

As to claim 1, Willy Voit discloses a case comprising:

a solid inner tube **1** comprising at least one hole **2** extending through a tube wall perpendicular to an axis of the inner tube; and

a solid outer tube **5** comprising at least one hole **3** extending through a tube wall perpendicular to an axis of the outer tube;

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wherein the solid inner tube and the solid outer tube are firmly coupled to each other by force fitting the inner tube into the outer tube such that the hole of the inner tube aligns with the hole in the outer tube;

and wherein the hole of the outer tube is inserted into the hole of the inner tube to retain a firm coupling state (hole **3** extends through the entire width of wall **7** of outer tube **5**; Figures 6-8, abstract).

As to claim 2, Willy Voit discloses a case wherein the hole **3** of the outer tube **5** is smaller than the hole **2** in the inner tube **1** (Figure 8).

As to claim 3, Willy Voit discloses a case wherein the hole **3** of the outer tube **5** and the hole **2** of the inner tube **1** are circular (Figure 8).

As to claim 4, Willy Voit discloses a case wherein the diameter of the hole **3** of the outer tube **5** is less than the diameter of the hole **2** in the inner tube **1** (Figure 8).

As to claim 5, Willy Voit discloses a case wherein the hole **3** of the outer tube **5** inserted into the hole **2** of the inner tube **1** is dimpled (Figure 8).

As to claim 6, Willy Voit discloses a case wherein the hole **3** of the outer tube **5** and the hole **2** of the inner tube **1** are capable of being formed simultaneously when the tubes are processed (Figure 8).

Applicant is reminded that **process limitations are given little patentable weight in product claims** since the patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966

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(Fed.Cir.1985). Accordingly, the process limitation of the hole of the outer tube and the hole of the inner tube being formed simultaneously in claim 6 is given little patentable weight; all that is required of claim 7 is that the hole of the outer tube and the hole of the inner tube are capable of being formed simultaneously. Accordingly, the Willy Voit reference has been interpreted to read on such claim.

As to claim 7, Willy Voit discloses a case wherein the case houses an assembly for generating torque in a car start motor (Figure 6, abstract).

Response to Arguments

4. Applicant's arguments filed February 24, 2009 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

Willy Voit does not disclose a case comprising a solid outer tube *comprising at least one hole extending through a tube wall perpendicular to an axis of the outer tube*.

Examiner disagrees. As to claim 1, Willy Voit discloses a case comprising a solid outer tube **5** comprising at least one hole **3** extending through a tube wall perpendicular to an axis of the outer tube (hole **3** extends through the entire width of wall **7** of outer tube **5**; Figure 8).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
04/21/09

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679